



NEWS RELEASE

*Office of the
United States Attorney
for the
District of Nebraska*
Joe W. Stecher

1620 Dodge Street Suite 1400 Omaha NE 68102-1506 (402) 661-3700

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United States Attorney Joe W. Stecher announced the federal Grand Jury for the District of Nebraska has returned a number of unsealed indictments. Indictments are charging documents that contain one or more individual counts that are merely accusations, and every defendant is presumed innocent unless and until proven guilty. If you need additional information on any of the following indictments, please telephone Joe Stecher, or in his absence, Criminal Chief, Jan Sharp, at (402) 661-3700.

- * **Juan Carlos Ahumada-Perez**, age 29, of Fremont, was charged in a six count indictment. Count I alleges that beginning from an unknown date but at least as early as July, 2008, and continuing through January, 2009, the defendant conspired with others to distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 4 year term of supervised release and a \$100 special assessment. Count II alleges that on or about January 23, 2009, the defendant distributed less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of up to 20 years, a \$1 million fine, a 3 year term of supervised release and a \$100 special assessment. Count III alleges that on or about January 25, 2009, the defendant distributed and possessed with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 4 year term of supervised release and a \$100 special assessment. Count IV alleges that on or about January 26, 2009, the

defendant distributed 50 grams or more of a substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 4 year term of supervised release and a \$100 special assessment. Count V alleges that on or about January 27, 2009, the defendant possessed with intent to distribute less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty includes imprisonment of up to 20 years, a \$1 million fine, a 3 year term of supervised release and a \$100 special assessment. Count VI alleges that on or about January 21, 2009, the defendant illegally reentered into the United States, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of up to 20 years, a fine of \$250,000, a 3 year term of supervised release and a \$100 special assessment.

- * **Johun L. Anderson**, age 28, of Lincoln, is charged with being in possession of a defaced firearm on or about January 2, 2009. The maximum possible penalty includes imprisonment for 5 years, a fine of \$250,000, followed by a supervised release of 3 years, and a \$100 special assessment. Count II of the indictment alleges the firearm possessed by Anderson should be forfeited to the United States.
- * **Fernando Arellano-Bedolla**, age 24, of Lincoln, is charged with criminal infringement of a copyright for purposes of commercial advantage by reproducing and distributing Motion Pictures, from on or about December 17, 2008, and continuing to on or about January 26, 2009. The maximum possible penalty includes imprisonment for 5 years, a fine of \$250,000, a term of supervised release of 3 years, and a \$100 special assessment.
- * **Jared Arps**, age 29, of Fremont, is charged in a two count indictment. Count I alleges the defendant, who was previously convicted of a felony controlled substance offense, was in possession of a Mossberg .22 caliber rifle and a Ruger .223 caliber semiautomatic rifle on or about February 15, 2009. The maximum possible penalty includes imprisonment for 10 years, a fine of \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment. Count II of the indictment alleges upon conviction of Count I, the Mossberg

.22 caliber rifle and Ruger .223 caliber semiautomatic rifle possessed by the defendant should be forfeited to the United States.

- * **Luis Jose Aponte**, age 42, and **Christian Tapia-Valentin**, age 25, both of Chicago, Illinois, were charged with possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine on or about January 13, 2009. The maximum possible penalty includes imprisonment of 10 years to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment.
- * **Martin Davila-Loera**, age 39, of Palmdale, California, is charged with illegal reentry into the United States on or about January 30, 2009, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of 20 years, a fine of \$250,000, followed by 3 years of supervised release and a \$100 special assessment.
- * **Isidro Duarte-Andrade**, age 36, **Roy Lenos-Paz**, also known as Gordo, also known as Fernando Pineda-Santana, age 24, **Roberto Camacho-Gutierrez**, age 31, and **Luis Nandi-Cipriano**, age 34, all of Omaha, were charged in a four count indictment. Count I alleges that from an unknown date but at least as early as January 1, 2008, up to and including January 22, 2009, the defendants conspired together and with others to distribute and possess with intent to distribute more than 500 grams of a mixture or substance containing a detectable amount of cocaine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 4 year term of supervised release and a \$100 special assessment. Count II alleges that on or about January 16, 2009, Isidro Duarte-Andrade and Roy Lenos-Paz, also known as Gordo, also known as Fernando Pineda-Santana, distributed more than 500 grams of a mixture or substance containing a detectable amount of cocaine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 4 year term of supervised release and a \$100 special assessment. Count III alleges that on or about January 22, 2009, Roberto Camacho-Gutierrez possessed with intent to distribute more than 500 grams of a mixture or substance containing a detectable amount of cocaine. The maximum possible penalty includes imprisonment of not less than 5

years and up to 40 years, a \$2 million fine, a 4 year term of supervised release and a \$100 special assessment. Count IV alleges that on or about January 22, 2009, Luis Nandi-Cipriano possessed with intent to distribute more than 50 grams of a substance containing a detectable amount of cocaine base, i.e., crack cocaine. The maximum possible penalty includes imprisonment of 10 years to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment.

- * **Clarence D. Hergert**, age 69, of Mitchell, Nebraska, is charged in a eighteen-count indictment. Counts 1 through 18 of the indictment allege that on various dates from on or about January 31, 2000, to on or about December 14, 2006, Clarence D. Hergert, as an Officer and/or Director and Owner of Hergert Milling, Inc., did defraud First National Bank of Omaha (FNBO). It is alleged Hergert applied for a revolving loan for Hergert Milling, Inc., with FNBO and directed employees to prepare monthly Borrowing Base Certificates which would contain false information on Accounts Receivables, Grain Inventory, and Other Inventory for Hergert Milling, Inc. According to the indictment the fraudulent Borrowing Base Certificates were used to keep the lines of credit open and prevented FNBO from taking steps to protect its status as a creditor. The maximum possible penalty for each of these counts includes imprisonment of 30 years, a fine of \$1,000,000, a 5 year term of supervised release, and a \$100 special assessment.
- * **Miquel Hernandez-Alonso**, age 38, is charged with possession of ammunition by an illegal alien on or about February 11, 2009. The maximum penalty for this count includes imprisonment of 10 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100.
- * **Martin Hernandez-Hernandez**, age 30, of Sidney, Nebraska, is charged with illegal reentry into the United States on or about January 13, 2009, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of 20 years, a fine of \$250,000, followed by 3 years of supervised release and a \$100 special assessment.
- * **Otis Jones**, also known as Junior, age 30, of Lincoln, was charged in a three count indictment. Count I alleges that between on or about January 1, 2007, and January 20,

2009, the defendant conspired with others to distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine, and 500 grams or more of a mixture or substance containing a detectable amount of cocaine. The maximum possible penalty includes imprisonment of 10 years to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment. Count II alleges that on or about January 15, 2009, the defendant distributed and possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine. The maximum possible penalty includes imprisonment of up to 20 years, a \$1 million fine, a 3 year term of supervised release and a \$100 special assessment. Count III alleges that on or about January 20, 2009, the defendant possessed with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of cocaine base, also known as crack cocaine, and a mixture or substance containing a detectable amount of marijuana. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$4 million fine, a 4 year term of supervised release and a \$100 special assessment.

- * **Damion O. Lewis**, age 34, of Omaha, is charged in Count I of an indictment with being a felon in possession of a firearm and ammunition on or about December 31, 2008. Lewis was convicted in California of purchase for sale narcotics in 1994 and convicted in Missouri of theft in 2006. The maximum penalty for this count includes imprisonment of 10 years, a fine of \$250,000, supervised release of 3 years, and a special assessment of \$100. Count II of the indictment alleges the firearm and ammunition possessed by Lewis should be forfeited to the United States.
- * **Gerardino Moreno**, age 49, of Omaha, is charged in a four-count indictment. Count I of the indictment alleges that on or about February 17, 2009, Moreno was in possession of several stolen identification documents. The maximum penalty for this count includes 15 years imprisonment, a fine of \$250,000, a 3 year term of supervised release, and a \$100 special assessment. Count II of the indictment alleges that on or about November 18, 2008, Moreno possessed a counterfeit social security card with the intent to sell. The

maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100. Count III of the indictment charges Moreno with aggravated identity theft on or about November 18, 2008, and continuing through on or about February 17, 2009. The maximum possible penalty includes imprisonment for 2 years consecutive to any other term of imprisonment imposed on the second count of the indictment, a \$250,000 fine, 1 year of supervised release and a \$100 special assessment. Count IV of the indictment alleges any personal property used or intended to be used in the commission of these offenses, including \$25,462 in U.S. Currency, be forfeited to the United States.

- * **Erineo Navarro-Gonzalez**, age 36, of Fremont, is charged in a three-count indictment. Count I of the indictment alleges that on or about November 18, 2008, and continuing through on or about February 17, 2009, Navarro-Gonzalez was in possession of a stolen identification document. The maximum penalty for this count includes 15 years imprisonment, a fine of \$250,000, a 3 year term of supervised release, and a \$100 special assessment. Count II of the indictment alleges that on or about November 18, 2008, and continuing through on or about February 17, 2009, Navarro-Gonzalez possessed a counterfeit social security card with the intent to sell. The maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100. Count III of the indictment charges Navarro-Gonzalez with aggravated identity theft on or about November 18, 2008, and continuing through on or about February 17, 2009. The maximum possible penalty includes imprisonment for 2 years consecutive to any other term of imprisonment imposed on the second count of the indictment, a \$250,000 fine, 1 year of supervised release and a \$100 special assessment.

- * **Leonel Plesent**, age 21, of Waterloo, Nebraska, is charged in the first count of an indictment with possession of an unregistered firearm on or about January 28, 2009. The maximum possible penalty includes imprisonment for 10 years, a fine of \$250,000, followed by a supervised release of 3 years, and a \$100 special assessment. Plesent was charged in Count II with possession of another unregistered firearm on or about January

28, 2009. The maximum possible penalty includes imprisonment for 10 years, a fine of \$250,000, followed by a supervised release of 3 years, and a \$100 special assessment. Count III of the indictment charges Plesent with being a drug user in possession of firearms on or about January 28, 2009. The maximum possible penalty is 10 years in prison, a fine of up to \$250,000, a 3 year term of supervised release, and a \$100 special assessment. Count IV of the indictment alleges the firearms possessed by Plesent should be forfeited to the United States.

- * **Luis J. Plesent**, age 32, of Waterloo, Nebraska, is charged in Count I of an indictment with being a felon in possession of a firearm on or about January 28, 2009. Plesent was convicted in the State of Texas for possession of a controlled substance. The maximum penalty for this count includes imprisonment of not more than 10 years, a fine of \$250,000, supervised release of 3 years, and a special assessment of \$100. Count II of the indictment alleges the firearm possessed by Plesent should be forfeited to the United States.
- * **Jose Rodepho Portello**, age 52, of Waterloo, Nebraska, is charged with ammunition possession by an illegal alien on or about January 28, 2009. The penalty for this count includes imprisonment of 10 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100.
- * **Sabas Samaniego-Garcia**, age 24, of Hastings, is charged in a two-count indictment. Count I alleges that on or about January 9, 2008, Samaniego-Garcia misused a social security card as evidence of lawful employment in the United States. The maximum possible penalty for this count includes imprisonment of 10 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Count II of the indictment charges Samaniego-Garcia with aggravated identity theft on or about January 9, 2008. The maximum possible penalty includes imprisonment for 2 years consecutive to any other term of imprisonment imposed on the first count of the indictment, a \$250,000 fine, 1 year of supervised release and a \$100 special assessment.
- * **Maria Teresa Valdez-Espinoza**, of Bellevue, is charged with illegal reentry into the United States on or about January 14, 2009, after being deported following conviction

for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of 20 years, a fine of \$250,000, followed by 3 years of supervised release and a \$100 special assessment.

- * **James Weekly**, of Papillion, is charged in the first count of an indictment with receipt and distribution of child pornography from on and before August 20, 2008. If convicted, the maximum possible penalty includes imprisonment of not less than 5 years or more than 20 years, a fine of \$250,000, not less than 5 years of supervised release, and a \$100 special assessment. Weekly is charged in Count II with possession of child pornography from on and before October 9, 2008. The maximum possible penalty for this count includes imprisonment of 10 years, a \$250,000 fine, not less than 5 years of supervised release, and a \$100 special assessment. A third count of the indictment alleges property used or intended to be used as part of this violation should be forfeited to the United States.